

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MYA HILL-SMITH

PLAINTIFF

vs.

No. 5:20-cv-5051-TLB

**SILVER DOLLAR CABARET, INC.,
PLATINUM CABERET, LLC, and
ANTHONY K. CATROPPA**

DEFENDANTS

PLAINTIFF'S MOTION FOR COSTS AND ATTORNEYS' FEES

COMES NOW Plaintiff Mya Hill-Smith ("Plaintiff"), by and through her attorneys Steve Rauls and Josh Sanford of the Sanford Law Firm, PLLC, and for her Motion for Costs and Attorneys' Fees states as follows:

1. On July 8, 2020, this Court entered its Judgment against Defendants Silver Dollar Cabaret, LLC, Platinum Cabaret, LLC, and Anthony K. Catroppa (collectively "Defendants"), holding each Defendant jointly and severally liable for Plaintiff's award of \$3,672.00 in unpaid wages and an equal amount in liquidated damages, as well as Plaintiff's award of attorney's fees in the amount of \$14,056.99 and \$300.00 in costs.

2. Plaintiff now seeks the limited attorney's fees and costs she incurred for requesting and receiving confirmation of her arbitration award.

3. As explained in the briefing, a reasonable fee is the product of attorney hours and the market rate of the attorneys. The Eighth Circuit has not asked this Court to interpose its own opinion about what hourly rates for attorneys should be, but instead

has directed the district courts to determine, as best they can, what the market is saying is the reasonable hourly rate for attorneys.

4. The FLSA requires that in an action for unpaid minimum wages under the Act, the Court “shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.” 29 U.S.C. § 216(b).

5. Similarly, the AMWA provides that a court may award costs and reasonable attorneys’ fees against “[a]ny employer who pays any employee less than the minimum wages, including overtime compensation . . . to which the employee is entitled under or by virtue of [the AMWA].” Ark. Code Ann. § 11-4-218(a).

6. As shown on the Billing Spreadsheet attached hereto as Exhibit 1, Plaintiff incurred \$3,786.00 in attorneys’ fees through July 22, 2020, to successfully receive confirmation of her arbitration award. Plaintiff categorized and sorted billing by attorney (Exhibit 3) and category of work (Exhibit 4) for the Court’s convenience in reviewing this request.

7. Further, Plaintiff’s counsel reviewed and edited the billing for charges that might have been considered as excessive, redundant, or otherwise unnecessary or appropriate for reduction. Through the exercise of billing judgment, Plaintiff’s counsel identified \$547.00 in fees that Plaintiff has chosen to exclude from the total amount requested in this fee petition.

8. After subtracting the fees described above, Plaintiff is requesting an award of \$3,239.00 in attorneys’ fees, a reduction from the actual billing amount of 13%.

9. As shown in detail on Plaintiff's Costs Invoice (Exhibit 5), Plaintiff also incurred \$685.00 in costs other than attorneys' fees during litigation. Plaintiff is entitled to these costs under the FLSA, 29 U.S.C. § 216(b), and under Rule 54(d).

10. Accordingly, Plaintiff requests a total award of costs and attorneys' fees in the amount of \$3,924.00.

11. In support of this Motion, Plaintiff attaches hereto and incorporates herein the following exhibits:

- Ex. 1 Billing Entries Spreadsheet Sorted by Date;
- Ex. 2 Declaration of Attorney Josh Sanford;
- Ex. 3 Spreadsheet of Billing Entries Sorted by Attorney;
- Ex. 4 Spreadsheet of Billing Entries Sorted by Category;
- Ex. 5 Costs Invoice; and

12. This Motion is supported by a contemporaneous Memorandum Brief.

WHEREFORE, Plaintiff respectfully requests that her Motion for Costs and Attorneys' Fees be granted in its entirety, that the Court award Plaintiff fees and costs in the amount of \$3,924.00 and for all other just and equitable relief to which Plaintiff may be entitled.

Respectfully submitted,

PLAINTIFF MYA HILL-SMITH

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